

Message Text

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64

ACTION XMB-07

INFO OCT-01 AF-10 EUR-25 ISO-00 AID-20 CIAE-00 COME-00

EB-11 FRB-02 INR-10 NSAE-00 RSC-01 TRSE-00 OPIC-12

SP-03 CIEP-02 LAB-06 SIL-01 OMB-01 DRC-01 /113 W

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R 071824Z MAY 74

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 724

AMEMBASSY KINSHASA

AMEMBASSY ABIDJAN

AMCONGEN JOHANNESBURG

LIMITED OFFICIAL USE BRUSSELS 2824

PASS EXIM BANK

E.O. 11652: N/A

TAGS: BEXP, CG

SUBJECT: KDL LOCOMOTIVE PURCHASE FROM GE

REF: ABIDJAN 3469

1. EMBOFF DISCUSSED PROPOSED LOCOMOTIVE PURCHASE WITH
SOLE REMAINING MEMBER OF KDL BOARD OF DIRECTORS, VAN
SIMAEIS, ON MAY 7. ACCORDING TO VAN SIMAEIS, BOARD
ORIGINALLY CONSISTED OF FIVE MEMBERS APPOINTED BY
ZAIRIAN GOVERNMENT (INSTITUT DE GESTION DU PORTEFEUILLE--
IGP) AND FIVE FROM PRIVATE SECTOR. GOZ EVENTUALLY
DISCHARGED FIVE ZAIRIANS, WHILE FOUR FROM PRIVATE
SECTOR DEPARTED THROUGH TRANSFERS, RESIGNATIONS, AND
DEATH. BOARD THUS BECAME INOPERATIVE, SINCE STATUTES
PROVIDED THAT SIGNATURES OF TWO DIRECTORS WERE NECESSARY
TO VALIDATE CONTRACTS AND AGREEMENT OF THREE WAS NEEDED
TO CALL GENERAL MEETING. AS RESULT OF THIS SITUATION
STATUTES ARE BYPASSED IN PRACTICE. CONTRACTS ARE SIGNED BY
DIRECTOR GENERAL (GOOR) IN LUBUMBASHI AND ARE VALIDATED BY
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ZAIRIAN AUTHORITY, USUALLY STATE COMMISSIONER OF COMMUNI-

CATIONS OR FINANCE OR HEAD OF NATIONAL BANK.

2. VAN SIMAEIS SAID HE HAD HEARD RUMOR THAT IGP HAD APPOINTED SECOND MEMBER OF BOARD OF DIRECTORS, A ZAIRIAN WHO IS DIRECTOR GENERAL IN OFFICE OF COMMISSIONER OF COMMUNICATIONS. VAN SIMAEIS DID NOT RECALL HIS NAME BUT NOTED THAT GOOR PRESUMABLY WOULD KNOW IT. TECHNICALLY, APPOINTMENT OF NEW MEMBER OF BOARD IS NOT VALID WITHOUT APPROVAL OF FULL BOARD, WHICH AS NOTED ABOVE CANNOT MEET WITHOUT THREE MEMBERS TO CONVOKE MEETING. VAN SIMAEIS, HOWEVER, SAID THAT IF ASKED HE COULD GIVE PROVISIONAL APPROVAL ALONE.

3. IN ANY CASE THESE PROBLEMS WILL BECOME ACADEMIC IF KDL IS TAKEN OVER AS FORESEEN BY NEW ZAIRIAN RAILROAD AUTHORITY (SNCFZ) END JUNE 1974. VAN SIMAEIS RECOMMENDED UNOFFICIALLY THAT SIGNATURES OF GOOR AND RESPONSIBLE GOZ OFFICIAL IN COMMUNICATIONS, FINANCE OR NATIONAL BANK BE ACCEPTED AS VALIDATING GE CONTRACT AND LOAN APPLICATIONS. STRAUSS-HUPE

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Message Attributes

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